

Apl'n No. 10/650,038

**REMARKS**

Claims 9-11, 30-32, 35, 40, 43, 53-56, 66-69 and 79-84 are pending in the application. Claims 41, 42, 44-52, 57-65 and 70-78 have been canceled herein without prejudice or disclaimer, these claims having been previously withdrawn by the examiner. Claims 1-8, 12-29, 33, 34 and 36-39 were canceled previously. Claims 9-11, 35 and 40 have been amended to recite further distinguishing subject matter suggested by the examiner during the interview conducted on October 16, 2007, support for which may be found at least at paragraphs 0080 and 0081 of the published application, for example. New claims 80-84 have been added, support for which may be found at least in the prior version of claim 9 and in paragraphs 0080 and 0081 of the present application, for example. No new matter has been introduced as a result of these amendments to the claims. The examiner is thanked for the providing the personal interview and for his helpful suggestions.

**Art Rejections**

Claim 35 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,865,829 (*Kitajima*) in view of U.S. Patent Application Publication No. US 2005/0182321 A1 (*Frangioni*). Claim 79 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Kitajima* in view of *Frangioni*. Claims 9, 30-31 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kitajima* in view of *Frangioni*. Claims 10, 11, 53-54, 56, 66-67 and 69 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kitajima* in view of *Frangioni* and further in view of U.S. Patent No. 6,371,908 (*Furusawa*). Claim 32 stands rejected under 35 U.S.C. §

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103(a) as being unpatentable over Kitajima in view of Frangioni and further in view of JP 10325798A (*Imaizumi*). Claims 55 and 68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitajima in view of Frangioni and further in view Imaizumi. Claim 40 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over WO01/22870 A1 (*Chari*) in view of Frangioni and further in view of U.S. Patent No. 6,721,590 (*Ohishi*).

All pending independent claims (claims 9-11, 35 and 40) have been amended herein, and it is respectfully submitted that these independent claims are patentable over the applied references. In particular, the independent claims have been amended to recite, among other things, steps or structure for storage in a memory of image data that includes a contribution from fluorescence emission, accessing the image data, and either displaying a series of plural fluorescent images from the stored image data in superposition with a first representation (as in claims 35 and 40) or sequentially displaying plural representations generated from a subseries of stored image data in superposition with another representation (as in claims 9-11).

During the personal interview of October 16, 2007, the examiner indicated that reciting storage and recall of image data in the independent claims would likely overcome the rejections of claims 9-11 and 35 insofar as the rejections thereof depend upon the combination Kitajima and Frangioni, which are understood not to provide, either singly or in combination, the features described above in combination with the other features recited in claims 9-11 and 35 (claim 40 was not discussed during the interview). It is also believed Chari and Ohishi, which were combined by the examiner in rejecting independent claim 40, also fail to provide, either singly or in combination, the

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above-noted features in combination with the other features recited in claim 40. It is also respectfully submitted that the independent claims are further patentable over the applied references for reasons of record. Accordingly, for at least these reasons, withdrawal of all rejections of record and allowance of the independent claims and the dependent claims that depend therefrom (including new claims 80-84) are respectfully requested.

#### Request for Further Interview

Should the examiner disagree with the above and believe that the currently pending claims are not patentable over the currently applied art of record, it is respectfully requested that the examiner contact the undersigned for a follow-up interview before issuing a final action based on the same art.

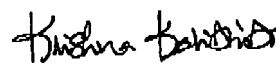
#### Conclusion

All of the rejections having been overcome, it is believed that this application is in condition for allowance and a notice to that effect is solicited. Should the Examiner have any questions with respect to expediting the prosecution of this application, he is urged to contact the undersigned at the number listed below.

Respectfully submitted,

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